

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

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|---------------------------|---|--------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| |) | |
| v. |) | Case No. CR609-028 |
| |) | |
| DESMOND ROOSEVELT MUNION, |) | |
| |) | |
| Defendant. |) | |

ORDER

The government has moved pursuant to 18 U.S.C. § 3145(a)¹ for review of an order entered by the Eastern District of New York granting defendant pretrial release. (Doc. 29.) Such a motion “should be considered and ruled upon in the first instance by a district judge in the court of original jurisdiction” (i.e., the charging district). *United States v. Cisneros*, 328 F.3d 610, 615 (10th Cir. 2003); 3B CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 771 n.24 (2009) (citing *Cisneros* for proposition that the motion should be heard by a

¹ Under the statute, “[i]f a person is ordered released by a magistrate judge, or by a person other than a judge of a court having original jurisdiction over the offense and other than a Federal appellate court . . . the attorney for the Government may file, with the court having original jurisdiction over the offense, a motion for revocation of the order or amendment of the conditions of release. . . .” 18 U.S.C. § 3145(a).

district judge). In order to facilitate the district judge's determination, the Clerk is **DIRECTED** to communicate with the clerk in the Eastern District of New York to request any proceedings on the issues of bond or detention in this case and to request that a transcript of those proceedings be prepared and transmitted to this Court. Upon receipt, this matter shall be promptly referred to Hon. B. Avant Edenfield for his review.

SO ORDERED this 8th day of May, 2009.

/s/ G.R. SMITH
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA